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February 7, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

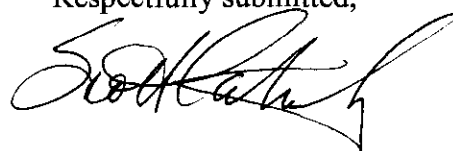
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Satellite Digital Audio Radio Service Terrestrial Repeaters Network
IB Docket No. 95-91
Written Ex Parte Communication

Dear Mr. Caton:

This is to inform you that on February 6, 2002, Cox Radio, Inc., by its attorneys, submitted the attached letter to Mr. Donald Abelson, chief of the International Bureau. Pursuant to Section 1.1206(b) of the Commission's rules, two copies of this letter are being submitted to the Secretary's office for the above-captioned docket. Please let me know if any questions arise regarding this filing.

Respectfully submitted,



Scott S. Patrick

cc (w/o encl.): Mr. Donald Abelson

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Dear Mr. Abelson:

Cox Radio, Inc. ("Cox"), by its attorneys, submits this letter to supplement the record in response to the International Bureau's request for comment on the permanent authorization of terrestrial repeater networks for Satellite Digital Audio Radio Service ("SDARS") systems. Cox, either directly or through wholly-owned subsidiaries, owns and operates numerous radio stations throughout the country. Cox firmly believes that if the Commission authorizes the use of repeaters, the Commission should treat SDARS repeaters the same as those in other services. Specifically, any permanent SDARS repeater rules must (1) explicitly prohibit SDARS providers from using repeaters to originate local programming and (2) require full public disclosure of relevant data concerning SDARS operations.

The Commission has stated that the sole purpose in allowing SDARS providers to use repeaters would be to overcome signal blockage and multipath interference, not to originate programming.¹ Yet, as NAB warned in the comments it filed in this proceeding, the SDARS licensees' proposed definition for authorized repeater transmissions is dangerously vague and overbroad, leaving undefined important issues such as, what constitutes an authorized transmission, how the transmission must be routed and whether content can be downloaded from a satellite and stored on a terrestrial repeater for a delayed airing.² Thus, if the SDARS licensees' proposed definition were adopted, they would be permitted not only to originate local

¹ See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, *Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5754, ¶¶ 138, 142 ("SDARS Order").

² See Comments of the National Association of Broadcasters, *Authorization of Satellite Digital Audio Radio Service Terrestrial Repeaters Network*, IB Docket No. 95-91 (Dec. 14, 2001) at 5.

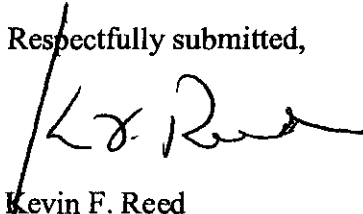
Mr. Donald Abelson
February 6, 2002
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programming, but also potentially to sell local advertising and generate income from such sales. In authorizing SDARS service, the Commission noted that there was "no evidence that satellite DARS would be able to compete for local advertising revenue."³ Cox therefore urges the Commission to adopt permanent service rules for SDARS repeaters that are consistent with the decisions it has made throughout this proceeding. Locally-originated programming for SDARS repeaters must be precluded. The Commission must ensure that the same programming is being transmitted at the same time throughout the entire SDARS network.

The Commission also should reject the SDARS licensees' proposal that they not be required to disclose the nature of their repeater operations. According to NAB, despite the fact that the Commission will require the repeaters to suppress out-of-band emissions, the suppressed signal level nonetheless will be substantially above the overload threshold low noise amplifiers in Broadcast Auxiliary Services ("BAS") receivers, which are susceptible to blanketing interference from SDARS repeaters operating in nearby bands.⁴ If technical specifications and repeater locations are unknown, the party injured by interference has no ability to identify the cause, much less seek elimination of the interference. The fact that the repeaters are auxiliary to a satellite service does not warrant a preferential exemption from full disclosure of their operating characteristics. Accordingly, the Commission must require SDARS repeater licensees to engage in full frequency coordination with BAS licensees and other licensees, including disclosure to the Commission of the power, location, type and number of each terrestrial repeater, and to remedy complaints of interference at no cost to the incumbent licensees.

Please inform me if any questions should arise in connection with this letter. In accordance with Section 1.1206 of the Commission's rules, an original and one copy of this letter will be filed with the Secretary's office no later than the first business day following the date of this letter.

Respectfully submitted,



Kevin F. Reed
Counsel for Cox Radio, Inc.

cc: Mr. W. Kenneth Ferree
Mr. Bruce A. Franca

³ SDARS Order at ¶ 23.

⁴ See Comments of NAB at 8-9.

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